

REMARKS

In the Office Action mailed December 16, 2008 the Office noted that claims 11-30 were pending and rejected claims 11-30. Claims 21-30 have been amended, claims 11-20 have been canceled, and, thus, in view of the foregoing claims 21-30 remain pending for reconsideration which is requested. No new matter has been added. The Office's rejections and objections are traversed below.

CLAIM OBJECTION

Claim 24 stands objected to for informalities. In particular, the Office asserts that the claim contains a grammatical error. The Applicants have amended the claim to overcome the objection.

Withdrawal of the objection is respectfully requested.

REJECTIONS under 35 U.S.C. § 112

Claims 11-20 stand rejected under 35 U.S.C. § 112, first paragraph as failing to comply with the written description requirement. In particular the Office asserts that "computer program product" is not supported by the Specification. The Applicants have amended the claims to overcome the rejection.

The Applicants have cancelled the claims to overcome the rejection

Claims 12 and 16 stand rejected under 35 U.S.C. § 112,

second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. In particular the Office asserts a phrase used in the claims is unclear.

The Applicant has cancelled the claims to overcome the rejection.

Withdrawal of the rejections is respectfully requested.

REJECTIONS under 35 U.S.C. § 103

Claims 11, 12, 14-19, 21, 22 and 24-29 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies, U.S. Patent Publication No. 2002/0082878 in view of Walker, U.S. Patent No. 6,112,185. The Applicants respectfully disagree and traverse the rejection with an amendment and argument.

Boies discusses a method for the allocation of seats comprising the use of data relative to customer seating preferences. It also comprises the steps of: fulfilling at least partially the preferences of the customer, guaranteeing these preferences while assigning a flexible seat, re-assigning the customer, if necessary, while preserving the preferences.

Walker discusses a method for processing upgrade offers.

The Applicants have amended claim 21 to recite "[a] **method** for the allocation of seats to customers, usable with a computerized reservation system, comprising: assignment, in a database, to each customer, of data relative to placement criteria; **assignment to each placement criterion, of an attribute weight**; determination **by a processor** of a satisfaction **value** of the **customers** for **each** seat as a function of agreement with the placement criteria; assignment, in a database, to each customer, of a priority level; and **assignment of seats to all the customers by** allocation **with** an allocation server, to each customer, by decreasing order of level of priority, of the available seat having the maximum satisfaction value." (Emphasis added) Support for the amendment may be found, for example, in cancelled claim 30 and ¶ 0044 of printed publication version of the Specification. The Applicants submit that no new matter is believed to have been added by the amendment of the claim.

It is respectfully submit that neither Boise nor Walker disclose "assignment to each placement criterion, of an attribute weight," as in claim 21.

On page 6 of the Office Action it is asserted that Boise ¶ 0046 discloses "determination **by a processor** of a satisfaction **value** of the **customers** for **each** seat as a function of agreement with the placement criteria," as in claim 21.

However, in Boies ¶ 0046 the customer receives a seating scheme proposition and affirms it is satisfying. However

in the claim the value is calculated *by a processor* so that it cannot be the satisfaction approval given by the customer in Boies. Also a satisfaction value of the invention is defined taking into account *weighted criteria* whereas no such weighted satisfaction value is obtainable by Boies. Third, the satisfaction value is for each seat whereas Boies only deals with the validation by the customer of his satisfaction according to one proposition made of one set of elements that can be satisfied (Boies ¶ 0046) If some of the elements can be satisfied, the passenger 120 is notified of which elements of the request can be accommodated... "). In addition, the satisfaction value of the invention is for each seat whereas the approval of Boies relates to a set of *elements*.

No assignment of a satisfaction value to each seat is disclosed in Boies. One cannot assimilate the seats (for example of a flight) to a set of elements disclosed by Boies; the set of elements of Boies is nothing else than a few placement wishes that can be answered by the system. One can compare the satisfaction values of a seat for two customers whereas the approvals about certain elements can not be easily compared in Boies. It will be explained hereafter why all of this reflects a significant difference.

On page 6 of the Office Action, it is asserted that Boies ¶ 0038 discloses "assignment, in a database, to each customer, of a priority level," as in claim 21.

However, the paragraph states in part "... the reservation database 250 stores the class of seating of the passenger is confirmed for in field 430 such as coach, business or first class." There is no indication in Boies that the classes are used as priority data that is to make a process in a certain order. We can only derive from Boies that there are a plurality of service's categories which represent different yield values for the airline. Boies also fails to disclose the use of the classes as a parameter used for ranking the passengers during the allocation process. Thus, the instant feature must be interpreted in the context of the whole claim that is in view of what is made with the priority level for the allocation steps. No priority is presented nor useful in Boies since Boies operates on a first arrived, first served basis for processing the customer wishes.

On page 6 of the Office Action, it is asserted that Boies ¶¶ 0038 and 0046; and Walker col. 6, lines 6-11 disclose **"assignment of seats to all the customers by allocation with an allocation server, to each customer, by decreasing order of ~~level~~** of priority, of the available seat having the maximum satisfaction value," as in amended claim 21.

However, "each customer" which reflects that the allocation process involves all the customers and not only one individual requesting a seat and a few other customers impacted by this new seat request. Indeed Boies process schematically consists of the following steps (see paragraph 44):

- Seats assigned to passengers A, B, C, D, E with guaranteed categories;
- Reception of a new request for passenger F;
- Attempt to match passenger F wishes;
- If necessary modify the seat assignment of some of the passengers A to E, let's say passengers A and C but not of all the passengers.

This is an important difference since it reveals that the invention works in a completely different way: the allocation of the invention is global and each time it is performed, it takes into account all the customers and the wishes they expressed at the stage of their reservation (and not the partial wishes approved during the Boies process). Boies only proposes a partial allocation process which involves the new passenger and (only sometimes) only some of the previous passengers but without updating the compliance with their original wishes since they are still bound to the category of seating they accepted (this may not fully match their initial wishes). This difference is very linked to the other features detailed above since this limitation of Boies is also due to the fact that Boies fails to determine satisfaction values for each seat and for each customer according to placement criteria.

For at least the reasons discussed above, Boies and Walker, taken separately or in combination, fail to render obvious the features of claims 21 and the claims dependent

therefrom.

On page 6 of the Office Action, it is asserted that Boies ¶ 0028 disclose "wherein the fact that the steps of allocation are repeated upon each new reservation or cancellation of a seat," as in amended claim 21.

However, the claim takes into account all the customers at each further modification of the reservations. Again the process of Boies only adapts some of the reservations and does not repeat the initial process.

Claims 13 and 23 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Walker in further view of Official Notice. The Applicants respectfully disagree and traverse the rejection with an argument.

Claim 13 has been cancelled.

The Official Notice of the Office adds nothing to the deficiencies of Boise and Walker as applied against the independent claims. Therefore, the combination of Boise, Walker and Official Notice, taken separately or in combination, fail to render obvious the features of claim 23.

Claims 20 and 30 stand rejected under 35 U.S.C. § 103(a) as being obvious over Boies in view of Walker in further view of Boise, U.S. Patent Publication No. 2002/0173978 (hereafter Boise II). The Applicants respectfully disagree and traverse the rejection with an argument.

Claim 20 has been cancelled.

Boise II is not directed to evaluating seats but relates to scores assigned to routes. As indicated previously, the seat allocation is a process that is different from the route definition and a normally skilled person would not easily search in references related to routes a solution to a seat allocation. In addition, to combine Boies I and Boies II, a normally skilled person would need to find in Boies I an indication or at least no incompatible features about the possibility to combine the two teachings. Starting from Boies I, a person normally skilled in the art would have no indication to assign weights to placement criteria because Boies I gives the customer the responsibility of approving or refusing the placement proposal (which is even not a satisfaction value assigned to a seat). Second, Boies I and II are incompatible as to weight assignments since the satisfaction value of Boies (the approval or refusal) is a binary value assigned to a set of elements so that no weights are needed nor possible to determine the satisfaction value.

The elements of Boies (such as "aisle and exit row") can even not be assimilated to the placement criteria of the invention since the user approves or refuses the whole set of elements (for example the customer says OK for "aisle and exit row", there is no weight possible for the elements aisle and exit row separately). And having no need for a refined calculation of a satisfaction value in view of Boies I, a skilled person would not have searched in Boies II the use of weighted criteria. The

teachings of Boies II are simply useless to improve the Boies I method.

However, it would not be reasonable to evaluate the non obviousness of the provision of weights for the placement criteria without:

- Considering the fact that Boies I does not call for such weights

- Considering the fact that Boies I would not work with weights

- Considering the fact that this feature is deeply combined with other features that are not disclosed by Boies I. The invention acting as a global process for allocation cannot be partitioned into various independent features for the evaluation of the non obviousness.

Therefore, one of ordinary skill would have not modified Boise in order to use weighted criteria or to allocate the seats by decreasing order of priority level. Indeed, the reassignment of Boise is centered on only one goal, i.e. finding the best seat for a new passenger. In contrast, the claims globally re-evaluate the seat of each customer upon each new reservation or cancellation. This feature is not disclosed by the combination of references Boise, Walker and Boise II.

Further, Boise II adds nothing to the deficiencies of Boise and Walker as applied against the independent claims. Therefore, the combination of Boise, Walker and Boise II, taken

separately or in combination, fail to teach or suggest the elements of claim 30.

Withdrawal of the rejection is respectfully requested.

SUMMARY

It is submitted that the claims satisfy the requirements of 35 U.S.C. §§ 112 and 103. It is also submitted that claims 11-30 continue to be allowable. It is further submitted that the claims are not taught, disclosed or suggested by the prior art. The claims are therefore in a condition suitable for allowance. An early Notice of Allowance is requested.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future submissions, to charge any deficiency or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

YOUNG & THOMPSON

/James J. Livingston/
James J. Livingston, Jr.
Reg. No. 55,394
209 Madison St, Suite 500
Alexandria, VA 22314
Telephone (703) 521-2297
Telefax (703) 685-0573
(703) 979-4709

JJL/fb